

BLANK ROME LLP
 Attorneys for Defendants
 The Chrysler Building
 405 Lexington Avenue
 New York, New York 10174-0208
 (212) 885-5000
 Richard V. Singleton (RS-9489)
 Alan M. Weigel (AW-0800)

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

-----X	ECF CASE
MICHAEL STEPSKI, KIRSTEN STEPSKI, Wife,	:
GEAL RODERICK and BENJAMIN SCHOBER,	:
	:
Plaintiffs,	:
	:
-against-	:
	:
The M/V NORASIA ALYA, her owners,	:
operators, etc., and MS“ALENA”	:
SCHIFFFAHRTSGESELLSCHAFT mbH & CO. KG,	:
PETER DOEHLE SCHIFFFAHARTS-KG,	:
	:
Defendants.	:
-----X	<u>NOTICE OF MOTION</u> <u>FOR PARTIAL</u> <u>SUMMARY JUDGMENT</u>

PLEASE TAKE NOTICE that, upon the annexed affidavits and exhibits, the accompanying Local Rule 56.1 Statement, the accompanying memorandum of law and all prior pleadings and proceedings herein, the undersigned attorneys for defendants MS “ALENA” Schiffahrts GmbH & Co. KG and Peter Doehle Schiffaharts-KG, will move this Court before the Honorable Kenneth M. Karas, in Courtroom 23B at the United States Courthouse, White Plains, New York , on the 8th day of January 2009, or as soon thereafter as counsel may be heard, for an Order, pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting partial summary judgment in favor of defendants: (1)

holding that Rule 19 of the International Regulations for Preventing Collisions at Sea ('COLREGS') governed the navigation of plaintiffs' fishing vessel F/V AVA CLAIRE ('AVA CLAIRE') leading to the alleged collision; (2) dismissing plaintiffs' third cause of action alleging emotional injury by plaintiff Kristen Stepski; (3) dismissing plaintiffs' fourth cause of action alleging loss of consortium by plaintiff Kristen Stepski; (4) dismissing plaintiffs' seventh and eight causes of action seeking punitive damages; (5) holding that plaintiffs failed to mitigate their damages by not seeking proper assistance and/or treatment from a mental health professional; (6) ruling that plaintiff Michael Stepski is liable to defendants for contribution on defendants' counter-claim for any judgment against defendants in favor of plaintiffs Geal Roderick and Benjamin Schober in excess of M/V NORASIA ALYA's proportional fault for the alleged collision, and (7) ruling that plaintiff Michael Stepski is liable to defendants for contribution for any judgment against defendants in favor of plaintiffs Geal Roderick and Benjamin Schober for Stepski's breach of his duty to provide maintenance and cure to Roderick and Schober, and (8) for such other, further and different relief as to the Court seems just and proper.

Dated: New York, New York
December 23, 2008

BLANK ROME LLP

//s//Richard V. Singleton
Richard V. Singleton (RS-9489)
Attorneys For Defendants
The Chrysler Building
405 Lexington Avenue
New York, New York 10174-0208

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FREEHILL HOGAN & MAHAR LLP
Attorneys for Defendants
80 Pine Street
New York, New York 10005
Telephone: 212-425-1900
Facsimile: 212-425-1901
E-Mail: munger@freehill.com

To: Thomas H. Healey, Esq.
Attorney for Plaintiffs
LAW OFFICE OF THOMAS H. HEALEY
17 Battery Place, Suite 605
New York, New York 10004